

**MARKETTE SUBDIVISION
TWO-LOT EXPEDITED MINOR SUBDIVISION**

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: Jennifer De Groot *JD*

**REVIEWED/
APPROVED BY:** Renee Van Hoven

**PUBLIC HEARINGS/
MEETINGS:** BCC Public Hearing: 9:00 a.m. March 1, 2007
Deadline for BCC action (35 working days): March 19, 2007

SUBDIVIDER/OWNER: David & Deidra Markette
P.O. Box 515
Hamilton, MT 59840

REPRESENTATIVE: Steve Powell, Powell Surveying
341 Grantsdale Road
Hamilton, MT 59840

LOCATION OF REQUEST: The property is located southwest of Victor off Bear Creek Road and Red Crow Road. (See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

Tract 3 of COS# 2848 located in the SW ¼ of Section 11, T7N,
R21W, P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined complete on January 26, 2007. Agencies were notified of the subdivision and comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-5 of the staff report.

LEGAL NOTIFICATION:

No legal advertisement is required for an expedited minor subdivision. Notice of the project was posted on the property. Adjacent property owners were notified of the subdivision by certified mail postmarked January 29, 2007. No public comments have been received to date.

**DEVELOPMENT
PATTERN:**

Subject property	Residential and Pasture Land
North	Pasture
South	Pasture and Fire Station
East	Large-Lot Residential and Pasture
West	Large-Lot Residential

INTRODUCTION

The Markette expedited minor subdivision is a two-lot subdivision of 80.16 acres located southwest of Victor. Two ponds permitted by the Department of Natural Resources and Conservation (DNRC) exist on Lot 2. The applicant has proposed a no-build/alteration zone around the eastern pond to limit the disturbance of wetlands. Clint Brown, a consulting hydrologist hired by the developer did not recommend a no-build zone around the second pond. (*Application*) Access to the property is proposed via two residential accesses off Red Crow Road. A handful of sensitive species were found on the property and the applicant has proposed covenants to mitigate impacts on the two species that may utilize the property: the Bobolink and Lewis' Woodpecker.

Staff recommends conditional approval of the subdivision proposal.

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS

MARCH 1, 2007

MARKETTE
TWO-LOT EXPEDITED MINOR SUBDIVISION

RECOMMENDED MOTION

That the Markette Expedited Minor Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Effects on Agriculture*)

Notification of Irrigation Facilities and Easements. Within this subdivision there are irrigation easements, as shown on the final plat. All downstream water-right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. The filed subdivision plat shows the irrigation easements on the property. The Fred Burr Creek Association and downstream water rights holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance is expressly prohibited. The downstream water right holders and those acting with the approval of the Fred Burr Creek Water User's Association have the right to use the easements to maintain the ditches. Please contact the Fred Burr Creek Water Users Association, 711 Fred Burr Road, Victor, Montana, 59875, 961-5580 for more information. (*Effects on Agricultural Water User Facilities*)

Limitations of Access Onto Roads. Non-ingress/egress zones exist along Bear Creek Road and Red Crow Road, which restrict vehicular access onto these roads, excepting the Ravalli County Road and Bridge Department approved approaches. All lots within this subdivision must use approved access points. These limitations of access may be lifted or amended with approval of the County. (*Effects on Local Services*)

Notification of Severe Soils. Within this subdivision there are areas of the property identified as potentially having soils rated as severe for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the severe soils in question which are included as exhibits to this document (the subdivider shall include the exhibits as attachments). (*Effects on Public Health & Safety*)

Notification of Potential Wetlands. Based on the National Wetlands Inventory, 2004 aerial photographs, and a site visit, it appears there may be wetlands surrounding the two ponds on Lot 2. It is not known if the wetlands are under the jurisdiction of the U.S. Army Corps of Engineers. If the wetlands are jurisdictional, any disturbance may require a 404 permit. Contact the U.S. Army Corps of Engineers for more information. (*Effects on Natural Environment*)

Notification of No-Build Zone. Within this subdivision there is a no-build zone located on Lot 2, as shown on the plat, to restrict building in areas with wetlands. No new structure, with the

exception of fences, may be constructed in this area. No new utilities, with the exception of wells, may be constructed in this area. Roads, trails, and utility crossings through this area are permitted. (*Effects on Natural Environment*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Waiver of Protest to Creation of RSID/SID. Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (*Effects on Local Services*)

Living with Wildlife. (See Exhibit A-1 for required provisions.) (*Effects on Agriculture and Wildlife & Wildlife Habitat*)

Protection of Lewis' Woodpecker Habitat. The Lewis' Woodpecker may utilize this property for nesting and feeding. In order to protect this species of concern as identified by the Montana Natural Heritage Program, the removal of standing dead snags or soft-wood trees is discouraged unless a comprehensive investigation is performed to confirm the absence of this species. Landowners are encouraged to cluster the homes on Lots 1 and 2 to limit habitat loss of the Lewis' Woodpecker and the Bobolink. (*Effects on Wildlife & Wildlife Habitat*)

Protection of Bobolink Habitat. The Bobolink may utilize this property for nesting and feeding. In order to protect this species of concern, the elimination of sheltering shrubs and general mowing is discouraged unless a comprehensive investigation is performed to confirm the absence of this species. Landowners are encouraged to limit the number of horses on the property, as they might destroy Bobolink habitat. (*Effects on Wildlife & Wildlife Habitat*)

Lighting for New Construction. Full cut-off lighting shall be required for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light must be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. Spotlighting of flag poles shall be permitted. (*Effects on Public Health & Safety*)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. (*Effects on Public Health & Safety*)

Primary Heat Source. The primary heat source for the newly constructed residences in this subdivision shall be at least 75% efficient. (*Effects on Natural Environment*)

Control of Noxious Weeds. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (*Effects on Natural Environment*)

Required Posting of County-Issued Addresses for Lots within this Subdivision. Lot owners shall post County-issued addresses at the intersection of the driveway leading to the primary residence and the road providing access to the lot as soon as construction on the residence begins. *(Effects on Local Services and Public Health & Safety)*

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. *(Effects on Local Services)*
4. The subdivider shall provide evidence with the final plat submittal that they have applied for a County-issued address for the new lot within this subdivision. *(Effects on Local Services and Public Health & Safety)*
5. Prior to final plat approval, the subdividers shall provide a 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$500-per-lot contribution has been made to the Victor Rural Fire Department with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Effects on Local Services and Public Health & Safety)*
6. The subdivider shall submit a letter from the Victor School District stating that they have received the \$300 contribution prior to final plat approval. *(Effects on Local Services)*
7. The final plat shall show no-ingress/egress zones along the Red Crow Road and Bear Creek Road frontages of the subdivision, excepting the approaches approved by the Road and Bridge Department. *(Effects on Local Services and Public Health & Safety)*
8. The subdividers shall file a master irrigation plan with the final plat that meets the requirements of Section 3-2-15 of the Ravalli County Subdivision Regulations and conforms to the irrigation plan presented in the preliminary plat application. An irrigation delivery system that conforms to the master irrigation plan shall be installed prior to final plat approval. *(Effects on Agricultural Water User Facilities)*
9. All existing and proposed irrigation easements shall be shown on the final plat as they were shown on the preliminary plat. *(Effects on Agricultural Water User Facilities)*
10. The final plat shall show a no-build zone in the area proposed on the attachment to the letter from Clint Brown dated January 2, 2007. *(Effects on Natural Environment)*
11. The subdivider shall chip-seal both residential approaches a minimum of 20 feet wide from the edge of chip-seal for Red Crow Road back to the edge of the right-of-way/easement boundary or a distance of 20 feet, whichever is greater, or as required by the Ravalli County Road Department, if specified in the approach permit. *(Effects on Local Services)*

SUBDIVISION REPORT

COMPLIANCE WITH PRIMARY SUBDIVISION REVIEW CRITERIA

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed expedited minor subdivision on 80.16 acres will result in two lots that are 30 acres and 50.16 acres. The property is located approximately 3.00 miles southwest of the community of Victor off Bear Creek Road and Red Crow Road.
2. The property is located in an area of residential and agricultural uses. To mitigate impacts on agriculture, a notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (*Conditions 1 and 2*)
3. According to the application, the property is currently being used for one residence and pasture.
4. The SCS Soil Survey for Ravalli County identifies a soil type that is listed as Prime Farmland Soil in the northwestern corner of the property. Approximately 5% of the property may have Prime Farmland Soil.

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on surrounding agriculture will be reduced.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. The application states there are 15 water right shares provided to the property from the Fred Burr Creek Water Users Association and multiple other water rights associated with the property.
2. The subdivider is proposing to divide the rights among the two proposed lots. Lot 1 will be entitled to five water right shares from the Fred Burr Creek Water Users Association as well as rights to Crooked Creek, Fred Burr Creek, South Channel Bear Creek, and two springs. Lot 2 will be entitled to 10 shares from the Fred Burr Creek Water Users Association as well as rights to Crooked Creek, Fred Burr Creek, South Channel Bear Creek, one spring, and two ponds. (*Application*)
3. A letter from the Fred Burr Creek Water Users Association, dated November 21, 2006, states they would approve the proposed re-allocation of water rights. (*Exhibit A-2*)
4. A preliminary Irrigation Agreement and Master Irrigation Plan are included in the application. To mitigate impacts on agricultural water user facilities, the subdivider shall show existing and proposed irrigation easements centered on the irrigation ditches, as shown on the preliminary plat, on the final plat. To further mitigate impacts on agricultural water user facilities, a Master Irrigation Plan meeting the requirements of Section 3-2-15 of the RCSR, which would include a plat-sized plan and irrigation agreement, shall be submitted prior to final plat approval. (*Conditions 8 and 9*)
5. The applicant did not include a watering schedule in the Master Irrigation Plan for these two lots because flood irrigation is done after consultation of many other ditch users and would therefore have no practical application. Section 3-2-15 (d)(2) of the RCSR requires a watering schedule, as appropriate. In this case it does not appear to be appropriate.
6. To notify future property owners of the irrigation rights associated with this property and the role of the Irrigation District and to mitigate potential impacts on agricultural water user facilities, a notification of the irrigation facilities and easements shall be filed with the final plat. (*Condition 1*)

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts on agricultural water user facilities will be reduced.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

1. Bear Creek Road and Red Crow Road, County-maintained roads providing access to the subdivision, do not meet County standards. The applicant is required to pay the pro rata share of the cost to improve the portions of these roads providing access to the subdivision to meet County standards. The amount of pro rata required for this subdivision has not been calculated at this time.
2. There are two proposed single-family residential lots within this subdivision. It is estimated at build-out that this subdivision will generate an additional 8 trips per day.
3. According to the application, there are three existing accesses off Red Crow Road. It appears that the two existing accesses serving Lot 1 will be retained with one access used for residential purposes and the other access used for agricultural purposes.
4. There is an existing access that will serve proposed Lot 2. The plat labels this access as approved. From a site visit, it appears that the access has been used for agricultural purposes. If the existing use is agricultural and will be changed to residential, Section 3-3-4(c)(17) of the RCSR will require a Road Department approved approach for the change in use prior to final plat approval.
5. Red Crow Road is a paved road. To mitigate impacts on Local Services, the subdivider shall pave the two residential accesses a minimum of 20 feet wide from the edge of pavement of Red Crow Road back to the edge of the right-of-way/easement boundary or a distance of 20 feet, whichever is greater, or as required by the Road Department, if specified in the approach permit. (*Condition 11*)
6. To mitigate impacts on the local road system, the final plat shall show no-ingress/egress zones along the Bear Creek Road and Red Crow Road frontages of the subdivision, excepting the Ravalli County Road and Bridge Department (RCRBD) approved approaches. A notification of this limitation of access shall be included in the notifications document. (*Conditions 1 and 7*)
7. To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (*Conditions 2 and 3*)
8. With this subdivision, it is estimated that approximately 0.5 school-aged children will be added to the Victor School District, assuming an average of 0.5 children per single family residence (Source: Census 2000).
9. The Victor School District was notified of the subdivision proposal; to date no comment has been received from the district. The subdivider is proposing to contribute a voluntary donation of \$300 for the newly created lot to the school district. To mitigate impacts on local services, the subdivider shall provide evidence that a contribution of \$300 has been made to the Victor School District prior to final plat approval. (*Condition 6*)
10. To mitigate impacts on local services, the subdivider shall apply for a County-issued address. A provision requiring property owners to post County-issued addresses at their driveways shall be in the covenants. (*Conditions 2 and 4*)
11. Bitterroot Disposal provides service to this site.
12. The Ravalli County Sheriff's Office provides law enforcement services to this area.
13. Individual wells and wastewater treatment systems are proposed to serve the lots. (*Natural Environment*)
14. This subdivision is located within the Victor Rural Fire District. The Victor Rural Fire District has adopted the Uniform Fire Code.
15. The Victor Rural Fire District was notified of the proposal. Although the District did not comment to date on this subdivision, other Fire Districts in the county have required the following water supply requirements. The subdivider shall install a 1,000 gallon per minute water supply or a 2,500 gallon per lot water storage. Alternatively, the subdivider can

contribute \$500 per lot and provide a letter from the Victor Rural Fire District that the contribution has been made prior to final plat approval. (*Condition 5*)

16. Public services are adequate to serve this subdivision.

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

1. The property is currently being used for one residence and pasture. It is covered with grasses and some mature trees.
2. To mitigate air pollution resulting from home heating emissions, the protective covenants filed with the final plat shall state that the primary heat source for any newly constructed residences must be at least 75% efficient. (*Condition 2*)
3. An approved noxious weed and vegetation control plan is required to be filed with the final plat. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, the plan shall be submitted to the weed board for approval by the board. To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (*Condition 2*)
4. There is an existing well and septic system serving Lot 1. The applicant is proposing an individual well and septic system for Lot 2. In a letter dated January 19, 2007, the Environmental Health Department indicated that the proposed subdivision will likely be exempted from review by the Montana Department of Environmental Quality (DEQ). As a requirement of final plat approval (Section 3-3-4 (c)(13) of the RCSR), the subdivider shall provide evidence that this exemption was granted. In the event that an exemption is not granted, the subdivider shall provide a Certificate of Subdivision Plat Approval from DEQ. (*Exhibit A-3*)
5. The preliminary plat shows potential wetlands, as identified by the National Wetlands Inventory, on the north end of Lot 2. The wetlands are associated with two man-made ponds.
6. The applicant has proposed a no-build/alteration zone around one of the two ponds on the property. In a letter dated January 2, 2007, Clint Brown, a hydrologist hired by the applicant, recommended a no-build zone around the eastern pond, but stated that "the jurisdictional or non-jurisdictional nature of this area is in question." (*Application*)
7. The subdivider is not proposing a no-build zone around the second pond based on Clint Brown's letter. To mitigate impacts on the natural environment, the applicant shall place a no-build zone around one of the ponds, as shown in the attachment to Clint Brown's Letter (*Application*) and include a notification of the no-build zone. (*Conditions 1 and 10*)
8. A site visit on January 26, 2007, confirmed that the areas around the ponds are potentially wetlands. Since Lot 2 is 50.16 acres, it is unlikely that the future owner will build a house on the wetlands. If he or she did, a 404 permit from the U.S. Army Corps of Engineers would be required. Since the potential wetlands were artificially created from the man-made ponds, Staff is not recommending an additional no-build zone around the second pond. To mitigate impacts on the natural environment, a notification of the potential wetlands shall be included in the notifications document. (*Condition 1*)

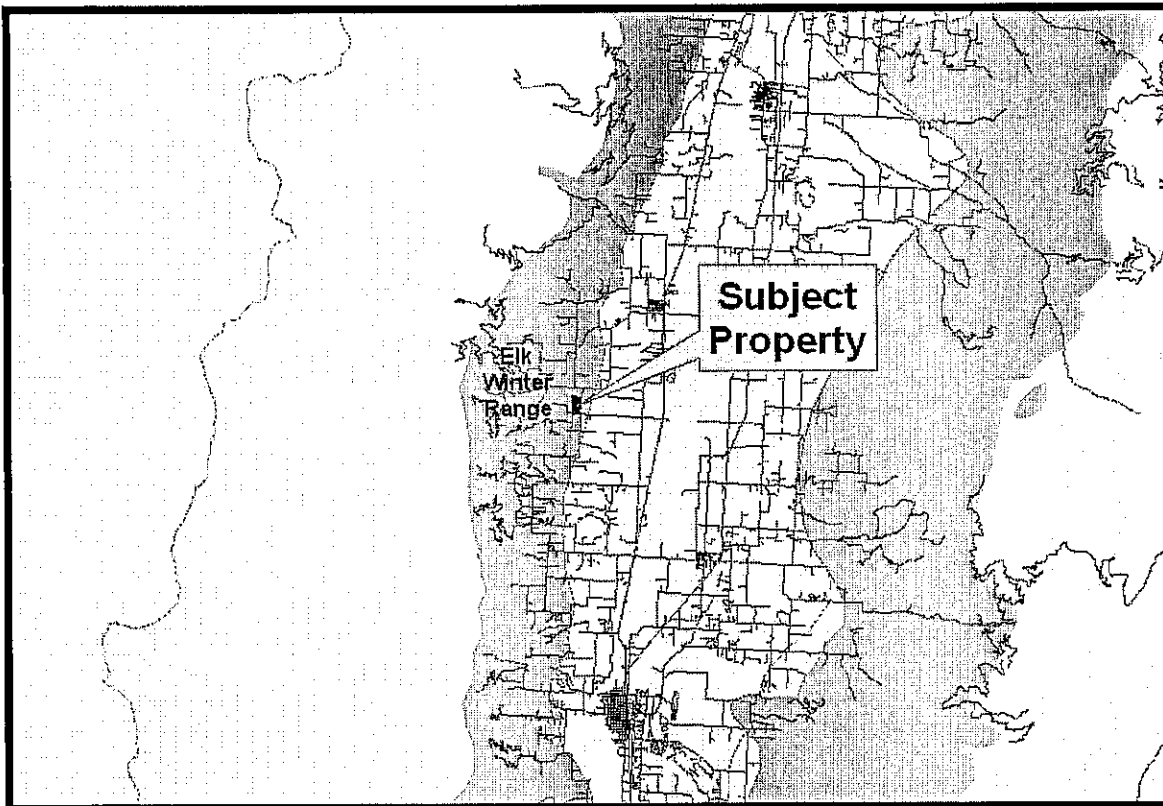
Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

1. The property is approximately 3.0 miles southwest of Victor and is adjacent to density that is approximately one unit per twenty acres.
2. A letter from Montana Fish, Wildlife, and Parks (FWP) recommends that the Living with Wildlife provisions be included with the covenants for this subdivision to mitigate impacts on wildlife and wildlife habitat. (*Exhibit A-1*) (*Condition 2*)
3. Map 2 shows Elk Winter Range boundaries in relation to the Markette subdivision. The data was created by FWP and the Rocky Mountain Elk Foundation at a scale of 1:250,000 and cannot be used at a larger scale. At this scale, it appears that all of the subdivision is Elk Winter Range. However, the boundary is coarse and should only be used for general planning purposes. (See Map 2)



Map 2: Elk Winter Range Boundaries

(Source Data: Montana Fish, Wildlife, and Parks and Rocky Mountain Elk Foundation)

4. According to the Natural Heritage Program, the property is located in a section with the following sensitive species: Lewis' Woodpecker, Olive-sided Flycatcher, Bull Trout, West Coast Cutthroat Trout, Townsend's Big-eared Bat, and Bobolink. Due to lack of suitable habitat (i.e. streams or caves) for the Bull Trout, West Coast Cutthroat Trout and Townsend's Big-eared Bat, the applicant requested and received a waiver from the requirement to submit a sensitive species report for these species. (*Exhibits A-4 and A-5*)
5. The subdivider submitted a sensitive species report with the results of an on-site investigation for the remaining species. In his report, John Vore, a Wildlife Biologist, concluded that the Olive-sided Flycatcher would not likely be found on the property, but the Lewis' Woodpecker and Bobolink could be. (*Exhibit A-1*)
6. The developer has proposed covenants that would protect the habitat of the Lewis' Woodpecker and Bobolink. (*Application*)
7. In a phone call on January 17, 2007, John Vore of FWP suggested clustering the houses on the lots and adding a covenant to limit horses on the property, as they might disturb Bobolink

habitat. (*Condition 2*)

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts on Wildlife & Wildlife Habitat will be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

1. To mitigate impacts on Public Health & Safety, the subdivider shall apply for County-issued addresses and a provision requiring property owners to post County-issued addresses at their driveways shall be in the covenants. (*Conditions 2 and 4*)
2. The proposed subdivision is located within the Victor Rural Fire District. Conditions 2 and 5 address impacts to the District.
3. To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision requiring full cut-off lighting with the exception of flag poles. (*Condition 2*)
4. There is a prevalence of radon in the County and to mitigate impacts on Public Health & Safety, the covenants shall include a statement regarding radon exposure. (*Condition 2*)
5. The Ravalli County Sheriff's Office provides services to this subdivision.
6. The preliminary plat and soils map indicate that the subdivision may have soils rated as severe for road and building construction. To educate property owners and to mitigate potential impacts of this subdivision on Public Health & Safety, a notification of the potential for severe soils shall be included in the notifications document filed with the final plat. A reduced plat showing the approximate locations of soils rated as severe for roads and building construction and descriptions of the severe soils in question shall be attached to the notifications document as an exhibit. (*Condition 1*)
7. Individual wells and wastewater treatment systems are proposed for lots within this subdivision. (*Effects on Natural Environment*)

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.

COMPLIANCE WITH:

1) THE SURVEY REQUIREMENTS PROVIDED FOR IN PART 4 OF M.C.A. 76-3.

Finding of Fact:

The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3.

Conclusion of Law:

This proposal meets the survey requirements, or conditions have been required to bring the proposal into compliance.

2) THE LOCAL SUBDIVISION REGULATIONS PROVIDED FOR IN PART 5 OF M.C.A. 76-3.

Finding of Fact:

Subdivisions are required to comply with the local subdivision regulations provided for in part 5 of M.C.A. 76-3.

Conclusion of Law:

The subdivider has submitted a plan that complies with the requirements of local subdivision regulations, or conditions have been required that will bring the plan into compliance.

3) THE LOCAL SUBDIVISION REVIEW PROCEDURE PROVIDED FOR IN THE RAVALLI COUNTY SUBDIVISION REGULATIONS

Findings of Fact:

1. Subdivisions are required to comply with the local subdivision review procedure provided for in the Ravalli County Subdivision Regulations.
2. A decision of the governing body rejecting or approving a proposed subdivision may be appealed to the district court within thirty (30) days of such decision. The petition shall specify the grounds upon which the appeal is made. An appeal may be made by the subdivider; a landowner with a property boundary contiguous to the proposed subdivision or a private landowner with property within the unincorporated area of the county that can show a likelihood of material injury to the landowner's property or its value; a first class municipality if the subdivision is within three miles of its limits, a second class municipality if a subdivision is within two miles of its limits, or a third class municipality or town if the subdivision is within one mile of its limits. An aggrieved party means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

Conclusion of Law:

This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations.

CONSISTENCY WITH EXISTING ZONING AND COVENANTS

Findings of Fact:

1. There are existing covenants on the property. This proposal appears to be consistent with existing covenants.
2. This property is not located within a voluntary zoning district.
3. The proposal complies with the interim County-wide zoning regulations.

Conclusions of Law:

1. The property appears to comply with existing covenants and zoning.

PROVISION OF EASEMENTS FOR UTILITIES

Findings of Fact:

1. The preliminary plat indicates that existing utility easements are located along Red Crow Road and Bear Creek Road.
2. According to the application, the proposed subdivision will be served by Ravalli Electric Cooperative and Qwest Communications. Utility companies have been notified of the proposed subdivision. No comments have been received to date.
3. Utility certificates are a requirement of final plat approval.
4. Utility easements are required to be shown on the final plat.

Conclusion of Law:

Utility services are available to the subdivision.

PROVISION OF LEGAL AND PHYSICAL ACCESS

Finding of Fact:

Physical and legal access for this subdivision is proposed via Bear Creek Road and Red Crow Road. The lots will access off Red Crow Road. (*Local Services*)

Conclusion of Law:

With the conditions of approval and requirements of final plat approval, the proposal meets physical and legal access requirements.



FEB 20 2007

EXHIBIT A-1

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3101
406-542-5500
Fax 406-542-5529
February 16, 2007

Jennifer De Groot
Ravalli County Planning Department
215 S. 4th St., Ste. F
Hamilton, MT 59840

Reference: Markette--Proposed minor (2 lots on 80.2 acres) subdivision, 3 miles SW of Victor

Dear Ms. De Groot:

We have reviewed the preliminary plat and location/nearby platting map you provided for review of this proposed subdivision. We also reviewed this parcel and its surrounds on the Montana Cadastral website (<http://gis.mt.gov/>) and the US Geological Survey topographic. Based on reviewing this information and our field knowledge of this location, we note and recommend the following.

The subject parcel immediately borders forested lands leading on up to the Bitterroot National Forest. Wildlife species such as white-tailed deer, elk, coyote, fox, raccoon, and skunk, as well as occasional mountain lion, are in this area. Numerous bird and small mammal species are also found here, associated with adjacent forested areas and nearby Bear Creek and its riparian areas. Additionally, FWP has had to respond to several bear conflicts in this area in recent years. There is a high probability of human/wildlife conflict at this location--particularly with black bear and deer--if residents do not pay attention to careful handling of garbage, garden/orchard produce, birdseed and other wildlife "attractants," as well as controlling their pets.

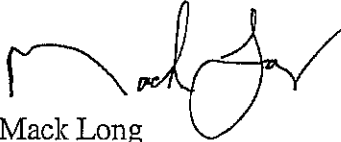
1. Therefore, we recommend that "living with wildlife" issues be conveyed as part of the development covenants to future residents in this subdivision. Adherence to such guidelines would help residents of this subdivision deal with and avoid conflicts with wildlife. We have enclosed our recommended covenant version for this specific location.
2. Of particular note is our recommended wildlife covenants (b, c and d) relating to potential attractants to bears in this subdivision. For instance, we recommend homeowners keep garbage indoors--hence, unavailable to bears--except on days of

garbage collection. Alternatively, if garbage is stored *outdoors* it should be in bear-resistant containers.

Steve Powell, who is working with the Markettes on this subdivision, asked our Bitterroot area wildlife biologist, John Vore, about olive-sided flycatchers, Lewis's woodpeckers, and bobolinks (all Montana Species of Special Concern¹) on this site. Vore visited the site and wrote a brief letter (enclosed) to Powell as to the habitat for those species.

We thank you for providing the opportunity for FWP to comment on this subdivision.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mack Long', with a stylized, flowing script.

Mack Long
Regional Supervisor

ML/sr

Encl: Letter, Vore to Powell, 15 Dec 2006

C: Powell Surveying, Attn: Steve Powell, 341 Grantsdale Rd., Hamilton, MT 59840

¹ Native animal breeding in the state that is considered to be "at risk" due to declining population trends, threats to its habitats, and/or restricted distribution.

Development Covenants for Markette minor subdivision, recommended by Montana Fish, Wildlife & Park; Missoula; February 16, 2007

Section __: Living with Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as deer, black bear, mountain lion, coyote, fox, skunk, raccoon and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees or orchards** can attract wildlife such as bear and deer. Fruit-bearing trees and shrubs are discouraged in this subdivision because they can regularly attract bears in the fall. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or vegetable material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries
- c. **Garbage** should be stored indoors to avoid attracting wildlife such as bears and raccoons. Garbage cans should not be set out until the morning of garbage pickup, and should be brought indoor no later than that same evening. If stored outdoors, consider using bear-resistant trash containers; consult Montana Fish, Wildlife & Parks for information on purchasing or constructing bear-resistant trash containers.
- d. **Birdseed** is an attractant to bears. Use of bird feeders is not recommended from April 1st through the end of November. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- e. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily

accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.

- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hooved game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and/or livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, and raccoons. **When feeding pets and/or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. **Apiaries (bee hives)** could attract bears in this area. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- l. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).



Montana Fish, Wildlife & Parks

P.O. Box 1408
Hamilton, MT 59840
December 15, 2006

Steve Powell
341 Grantsdale Road
Hamilton, MT 59840

Dear Steve,

As per your request, on December 8, 2006 I visited the Markette property at the corner of Bear Creek Road and Red Crow Road to evaluate its suitability as habitat for olive-sided flycatcher, Lewis's woodpecker and bobolink. These are all migratory birds, so of course I did not expect to see any at the time of my visit. I can only speak to the suitability of the habitat.

Habitat on the property is open hayfield/grassland with a very few places of brush and few dead and/or dying cottonwoods. It is near the western edge of such habitat in the area, being contiguous with similar habitat to the east but near conifer forest to the west.

The olive-sided flycatcher is normally associated with conifer type habitats and would not likely be found on the property.

Lewis's woodpecker is normally associated with open cottonwood riparian, Ponderosa pine and Douglas fir habitats. Although limited on the property, it would not be surprising to see a Lewis' woodpecker in the cottonwood snags.

Bobolinks are normally associated with tall, grassy meadows, prairies, hayfields and croplands such as are found on the property. It would not be surprising to see a bobolink there.

I hope this helps.

Sincerely,

/s/ John Vore

John Vore
Wildlife Biologist
Montana Fish, Wildlife & Parks

FRED BURR CREEK WATER USERS ASSOCIATION
1521 MERIDIAN RD.
VICTOR, MT. 59875

November 21, 2006

Ravalli County Planning Department
215 S. 4th Street Suite F
Hamilton, Mt. 59840

To Whom It May Concern:

In the matter of the David Markette water shares from Fred Burr Creek Water Users Association I would like to clarify the following; the understanding that I have would be that Mr. Markette could possibly split his water shares of 15 shares in the following manner. Ten (10) shares would stay with a certain part of the property and Five (5) shares to another part of the property.

We would certainly approve this transfer, as this procedure has been done several times in the past.

If you have any questions, please don't hesitate to call me at (406) 961-3737.

Sincerely,



Linda Olbert
Secretary/Treasurer
Fred Burr Creek Water Users Association

cc

David Markette



Environmental Health
215 South 4th – Suite D
Hamilton, MT 59840
(406)375-6565 FAX (406)375-6566

January 19, 2007

David and Deidra Markette
PO Box 515
Hamilton, MT 59840-0515

Re: Subdivision Exemption #SSE-07-NC001, Markette, Parcel # 958600, Geocode # 1564-11-3-01-03-0000

Dear Mr. and Mrs. Markette:

The Ravalli County Environmental Health Department has reviewed your subdivision exemption application for exemption from the sanitation in subdivision regulations, Section 76-4-125, MCA, and has determined that you can use the exemption stated on the application, survey, or plat for the above-referenced parcels. Lots 1 and 2 are greater than 20 acres and are exempt pursuant to Section 76-4-102(16), MCA.

This approval must be utilized within one year of the above date, unless you specifically request in writing a one-year extension. If you have questions, please contact me at the address above or call (406)375-6572.

Sincerely,


Morgan Farrell RS
Ravalli County Environmental Health

Cc: Powell Survey

POWELL SURVEYING, INC.
STEVE POWELL
MONTANA LICENSED LAND SURVEYOR #4662-S
341 Grantsdale Road, Hamilton, MT 59840
363-6389
powell@cybernet1.com

September 20, 2006

Karen Hughes, Director
Ravalli County Planning Department

RE: Sensitive Species on Markette Property

Karen,

I request a waiver of the sensitive species report for the Markette Subdivision. As you see from the application this division will result in one new home site on a 50 acre lot with the existing home and ranch buildings on a 30 acre lot. Attached is the "Species of Concern Data Report" from the Montana Natural Heritage Program and information on some to the species in the report. The basis of the requested waiver is that the character of the property will not be changed by the subdivision and the eventual establishment of an additional house and further that notification to future owners and covenant restrictions will effectively mitigate unacceptable impacts on the species of concern that likely occur on this property.

Cave Obligate Amphipod (Element Occurrence Map Label 9165, 9166, 9167)

The map indicates an area roughly centered on the Bitter Root River and extending to a little over a mile from the Markette property. Since there are no caves on the property and no indication that the species is present outside the mapped area, it is very unlikely that these amphipods will be impacted by the proposal.

Bull Trout and West Coast Cutthroat Trout (Element Occurrence Map Label 18785, 18801, 19586, 19813-5)

No natural streams exist on the Markette property, so the proposal will have no effect on these fish.

Townsend's Big-eared Bat (Element Occurrence Map Label 17105)

This bat is rated as at risk in Montana but as uncommon but not rare on a global scale. Maternity colonies apparently are in caves or mines, but individuals tend to hibernate alone and in the open. Given the absence of suitable sites for a maternity colony on the property and the limited additional development in this proposal, this bat should not be affected. As a precaution, purchasers of the lots will be given information about this bat to reduce the chance of unintended adverse impacts.

Lewis's Woodpecker (Element Occurrence Map Label 13094)

Lewis's Woodpecker is considered at risk in the state and uncommon but not rare on a global scale. It apparently does not over-winter and uses existing cavities or soft-wood opportunities. In order to protect possible nesting sites a covenant provision will discourage removal of standing dead snags or soft-wood trees unless a comprehensive investigation is performed to confirm the absence of Lewis's Woodpecker. Information on this species will be provided to buyers.

Bobolink (Element Occurrence Map Label 16311)

The Bobolink is considered at risk in the state but common on a global scale. Since it is a ground nester, a covenant provision will discourage the elimination of sheltering shrubs and general mowing unless a comprehensive investigation is performed to confirm the absence of the Bobolink. Information on the Bobolink will be provided to buyers.

Olive-sided Flycatcher (Element Occurrence Map Label 12651)

The Olive-sided Flycatcher is considered potentially at risk in the state and uncommon but not rare on a global scale. This bird nests and perches in conifers and occasionally in aspens or willows. A covenant provision will discourage clear-cutting of trees unless a comprehensive investigation is performed to confirm the absence of the Olive-sided Flycatcher. Buyers will be provided information on this bird and its ecology.

The Fringed Myotis, a bat slightly larger than the Townsend's Big-eared, was listed as an "inferred" species which might be found on this property. The measures proposed for the Townsend's should afford sufficient protection for this species as well.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anne S. Rull". The signature is fluid and elegant, with a large initial "A" and a long, sweeping underline.



P.O. Box 201800 • 1515 East Sixth Avenue • Helena, MT 59620-1800 • fax 406.444.0581 • tel 406.444.5354 • <http://mtnhp.org>

September 12, 2006

Steve Powell
341 Grantsdale Road
Hamilton, MT 59840

Dear Steve,

I am writing in response to your request for information on plant and animal species of special concern in the vicinity of the David and Deidra Markette property, Parcel #958600, in Section 11, T07N, R21W, in Ravalli County. We checked our databases for information in this general area and have enclosed 13 species of concern reports, 2 animal inferred extent reports, one map and explanatory material.

Please keep in mind the following when using and interpreting the enclosed information and maps:

- (1) These materials are the result of a search of our database for species of concern that occur in an area defined by requested township, range and section with an additional one-mile buffer surrounding the requested area. This is done to provide a more inclusive set of records and to capture records that may be immediately adjacent to the requested area. Reports are provided for the species of concern that are located in your requested area with approximately a one-mile buffer. Species of concern outside of this area may be depicted on the map but are not reported.
- (2) On the map, polygons represent one or more source features as well as the locational uncertainty associated with the source features. A source feature is a point, line, or polygon that is the basic mapping unit of an EO Representation. The recorded location of the occurrence may vary from its true location due to many factors, including the level of expertise of the data collector, differences in survey techniques and equipment used, and the amount and type of information obtained. Therefore, this inaccuracy is characterized as locational uncertainty, and is now incorporated in the representation of an EO. If you have a question concerning a specific EO, please do not hesitate to contact us.
- (3) This report may include sensitive data, and is not intended for general distribution, publication or for use outside of your agency. In particular, public release of specific location information may jeopardize the welfare of threatened, endangered, or sensitive species or communities.
- (4) The accompanying map(s) display management status, which may differ from ownership. Also, this report may include data from privately owned lands, and approval by the landowner is advisable if

specific location information is considered for distribution. Features shown on this map do not imply public access to any lands.

- (5) Additional information on species habitat, ecology and management is available on our web site in the Plant and Animal Field Guides, which we encourage you to consult for valuable information. You can access these guides at <http://mtnhp.org>. General information on any species can be found by accessing the link to NatureServe Explorer.

The results of a data search by the Montana Natural Heritage Program reflect the current status of our data collection efforts. These results are not intended as a final statement on sensitive species within a given area, or as a substitute for on-site surveys, which may be required for environmental assessments. The information is intended for project screening only with respect to species of concern, and not as a determination of environmental impacts, which should be gained in consultation with appropriate agencies and authorities.

I hope the enclosed information is helpful to you. If in the future you would prefer to receive a digital PDF file instead of paper, just let know. Please feel free to contact me at (406) 444-3290 or via my e-mail address, below, should you have any questions or require additional information.

Sincerely,



Martin P. Miller
Montana Natural Heritage Program
martinm@mt.gov



MONTANA
Natural Heritage
Program

Montana Natural Heritage Program

1515 East Sixth Ave., Helena, Montana 59620-1800

(406) 444-5354

<http://mtnhp.org>

Explanation of Species of Concern Reports

Since 1985, the Montana Natural Heritage Program (MTNHP) has been compiling and maintaining an inventory of elements of biological diversity in Montana. This inventory includes plant species, animal species, plant communities, and other biological features that are rare, endemic, disjunct, threatened, or endangered throughout their range in Montana, vulnerable to extirpation from Montana, or in need of further research.

Element Occurrences: Individual species, communities, or biological features are referred to as "elements." An "Element Occurrence" (EO) is an area depicting only what is known from direct observation with a defined level of certainty regarding the spatial location of the feature. If an observation can be associated with a map feature that can be tracked (e.g., a wetland) then this polygon feature is used to represent the EO. No inferences beyond the direct observation, and associated uncertainty, can be made and still called an Element Occurrence. An "Element Occurrence" generally falls into one of the following three categories:

Plants: A documented location of a specimen collection or observed plant population. In some instances, adjacent, spatially separated clusters are considered subpopulations and are grouped as one occurrence (e.g., the subpopulations occur in ecologically similar habitats, and are within approximately one air mile of one another).

Animals: The location of a specimen collection or of a verified sighting; assumed to represent a breeding population. Additional collections or sightings are often appended to the original record.

Other: Significant biological features not included in the above categories, such as bird rookeries, peatlands, or state champion trees.

Inferred Extents: Areas that can be inferred as probable occupied habitat based on direct observation of a species location and what is known about the foraging area or home range size of the species.

Ecological Information: Areas for which we have ecological information are represented on the map as either shaded polygons (where small and/or well defined) or simply as map labels (where they are large generally-defined landscapes). Descriptive information about these areas is contained in the associated report. Such information can be useful in assessing biological values and interpreting Species of Concern data.

The quantity and quality of data contained in MTNHP reports is dependent on the research and observations of the many individuals and organizations that contribute information to the program. Please keep in mind that the absence of information for an area does not mean the absence of significant biological features, since no surveys may have been conducted there. Reports produced by the Montana Natural Heritage Program summarize information documented in our databases at the time of a request. These reports are not intended as a final statement on the elements or areas being considered, nor are they a substitute for on-site surveys, which may be required for environmental assessments.

As a user of MTNHP, your contributions of data are essential to maintaining the accuracy of our databases. New or updated location information for all species of concern is always welcome.

We encourage you to visit our website at <http://mtnhp.org>. On-line tools include species lists, an electronic version of *Montana Bird Distribution*, and *Montana Rare Plant and Animal Field Guides*, which contain photos, illustrations, and supporting information on Montana's species of concern. Additional data are available on most species and ecological areas identified in our reports.

If you have questions or need further assistance, please contact us either by phone at (406/444-5354), e-mail (mtnhp@mt.gov) or at the mailing address above.

Data Descriptions

The section below lists the names and definitions for descriptions of the data fields used in the reports. Certain codes and abbreviations are used in Element Occurrence reports. Although many of these are very straightforward, the following explanations should answer most questions.

Map Label: The label for the element occurrence as it appears on the map.

Inferred Extent Map Label: The label for the inferred extent that is related to the element occurrence. An Inferred Extent is an area that can be inferred to be probable occupied habitat based on the observed location of a species and what is known about the foraging area and home range size of the species.

Element Subnational ID: The unique code used by the state or province to identify a specific element.

EO Number: Number that identifies the particular occurrence of the element.

Scientific Name: Latin (scientific) name.

Common Name: Commonly recognized name.

Species of Concern/Potential Concern: This value indicates whether the species is a "Species of Concern" (Y) or of "Potential Concern" (W).

Last Observation Date: The date the Element Occurrence was last observed extant at the site (not necessarily the date the site was last visited).

First Observation Date: The date the Element Occurrence was first reported at the site.

EO Rank: indicates the relative value of the Element Occurrence (EO) with respect to other occurrences of the Element, based on an assessment of estimated viability (species).

Values:

- A - Excellent estimated viability/ecological integrity
- A? - Possibly excellent estimated viability/ecological integrity
- AB - Excellent or good estimated viability/ecological integrity
- AC - Excellent, good, or fair estimated viability/ecological integrity
- B - Good estimated viability/ecological integrity
- B? - Possibly good estimated viability/ecological integrity
- BC - Good or fair estimated viability/ecological integrity
- BD - Good, fair, or poor estimated viability/ecological integrity
- C - Fair estimated viability/ecological integrity
- C? - Possibly fair estimated viability/ecological integrity
- CD - Fair or poor estimated viability/ecological integrity
- D - Poor estimated viability/ecological integrity
- D? - Possibly poor estimated viability/ecological integrity
- E - Verified extant (viability/ecological integrity not assessed)
- F - Failed to find
- F? - Possibly failed to find
- H - Historical
- H? - Possibly historical
- X - Extirpated
- X? - Possibly extirpated
- U - Unrankable
- NR - Not ranked

EO Data: Data collected on the biology of this Element Occurrence. Specific information may include number of individuals, vigor, habitat, soils, associated species, and other characteristics.

Natural Heritage Rank Definitions

- G1/S1** At high risk because of extremely limited and/or rapidly declining numbers, range, and/or habitat, making it highly vulnerable to global extinction or extirpation in the state.
- G2/S2** At risk because of very limited and/or declining numbers, range, and/or habitat, making it vulnerable to global extinction or extirpation in the state.
- G3/S3** Potentially at risk because of limited and/or declining numbers, range, and/or habitat, even though it may be abundant in some areas.
- G4/S4** Uncommon but not rare (although it may be rare in parts of its range), and usually widespread. Apparently not vulnerable in most of its range, but possibly cause for long-term concern.
- G5/S5** Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.
- GU/SU** Currently unrankable due to lack of information or due to substantially conflicting information about status or trends.
- GH/SH** Historically occurred; may be rediscovered.
- GX / SX** Believed to be extinct; historical records only.

Other codes and rank modifiers:

- B/N** State rank modifiers indicating the breeding status for a migratory species; B = Breeding, N = Non-breeding.
- HYB** A global rank denoting a hybrid.
- M** A state rank modifier indicating migratory stopover status for a species.
- Q** A global rank modifier indicating that there are taxonomic questions or problems.
- T** Denotes the rank for a subspecific taxon (subspecies or population); appended to the global rank for the full species. The S Rank following applies to the subspecific taxon.
- S** Denotes inexactness or uncertainty.

Federal Status Designations

Current federal agency status designations are also provided, including legal status under the U.S. Endangered Species Act, and administrative designations of the U.S. Forest Service and Bureau of Land Management. Where the ESA listing status has changed since 2003, the new status is bolded and underlined.

U.S. Fish and Wildlife Service

This value indicates status under the federal Endangered Species Act of 1973 based on categories defined by the U.S. Fish and Wildlife Service (16 U.S.C.A. §1531-1543 (Supp. 1996)).

- E** Listed Endangered
- T** Listed Threatened
- PE** Proposed Endangered
- PT** Proposed Threatened
- XN** Experimental Nonessential
- C** Candidate (species for which the U.S. Fish and Wildlife Service has sufficient information on biological status and threats to propose listing as threatened or endangered)
- PDL** Proposed for delisting - Any species for which a final rule has been published in the Federal Register to delist the species.

U.S. FOREST SERVICE

The U.S. Forest Service Manual (2670.22) defines the status of Sensitive species on Forest Service lands. The Regional Forester (Northern Region) designates Sensitive species on National Forests in Montana. This designation applies only on USFS-administered lands.

- S** Sensitive; animal and plant species identified by the Regional Forester for which population viability is a concern as evidenced by significant downward trend in population or a significant downward trend in habitat capacity.

U.S. BUREAU OF LAND MANAGEMENT

The BLM 6840 Manual defines the status of species on Bureau of Land Management lands. They apply only on BLM-administered lands.

- S** Sensitive; species that are proven imperiled in at least part of their ranges and are documented to occur on BLM lands.



Stygobromus montanensis

Element Occurrence Map Label: 9166 ✓

Element Subnational ID: 10780

EO Number: 1

Common Name: A Cave Obligate Amphipod

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date: 1952-10-11

Description: Invertebrate Animal

Last Observation Date: 1952-10-11

Natural Heritage Ranks:

State: S1S2

Global: G1G2

Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management:

EO Rank:

EO Data

4 specimens collected including 1 female.

Salvelinus confluentus

Element Occurrence Map Label: 18785 ✓

Element Subnational ID: 11622

EO Number: 12207

Common Name: Bull Trout

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date:

Description: Vertebrate Animal

Last Observation Date:

Natural Heritage Ranks:

State: S2

Global: G3

Federal Agency Status:

U.S. Fish & Wildlife Service: LT

U.S. Forest Service: THREATENED

U.S. Bureau of Land Management: SPECIAL STATUS

EO Rank:

EO Data

Salvelinus confluentus

Element Occurrence Map Label: 18801 ✓

Element Subnational ID: 11622

EO Number: 12277

Common Name: Bull Trout

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date:

Description: Vertebrate Animal

Last Observation Date:

Natural Heritage Ranks:

State: S2

Global: G3

Federal Agency Status:

U.S. Fish & Wildlife Service: LT

U.S. Forest Service: THREATENED

U.S. Bureau of Land Management: SPECIAL STATUS

EO Rank:

EO Data



Stygobromus tritus

Element Occurrence Map Label: 9165 ✓

Element Subnational ID: 12660

EO Number: 3

Common Name: A Cave Obligate Amphipod

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date: 1952-10-11

Description: Invertebrate Animal

Last Observation Date: 1952-10-19

Natural Heritage Ranks:

State: S1S2

Global: G1G2

Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management:

EO Rank:

EO Data

25 specimens collected. First description of species in Montana.

Stygobromus obscurus

Element Occurrence Map Label: 9167 ✓

Element Subnational ID: 12892

EO Number: 1

Common Name: A Cave Obligate Amphipod

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date: 1952-10-11

Description: Invertebrate Animal

Last Observation Date: 1952-10-11

Natural Heritage Ranks:

State: S1S2

Global: G1G2

Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management:

EO Rank:

EO Data

2 specimens collected including 1 female.

Contopus cooperi

Element Occurrence Map Label: 12651

Element Subnational ID: 13225

EO Number: 73398

Common Name: Olive-sided Flycatcher

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date:

Description: Vertebrate Animal

Last Observation Date:

Natural Heritage Ranks:

State: S3B

Global: G4

Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management:

EO Rank:

EO Data



Dolichonyx oryzivorus

Element Occurrence Map Label: 16311 ✓

Element Subnational ID: 13681

EO Number: 59574

Common Name: Bobolink

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date:

Description: Vertebrate Animal

Last Observation Date:

Natural Heritage Ranks:

State: S2B

Global: G5

Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management:

EO Rank:

EO Data

Corynorhinus townsendii

Element Occurrence Map Label: 17105 ✓

Element Subnational ID: 14347

EO Number: 4984

Common Name: Townsend's Big-eared Bat

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date:

Description: Vertebrate Animal

Last Observation Date:

Natural Heritage Ranks:

State: S2

Global: G4

Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service: SENSITIVE

U.S. Bureau of Land Management: SENSITIVE

EO Rank:

EO Data

Oncorhynchus clarkii lewisi

Element Occurrence Map Label: 19586 ✓

Element Subnational ID: 14899

EO Number: 39299

Common Name: Westslope Cutthroat Trout

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date:

Description: Vertebrate Animal

Last Observation Date:

Natural Heritage Ranks:

State: S2

Global: G4T3

Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service: SENSITIVE

U.S. Bureau of Land Management: SENSITIVE

EO Rank:

EO Data



Oncorhynchus clarkii lewisi

Element Occurrence Map Label: 19813 ✓

Element Subnational ID: 14899

EO Number: 39283

Common Name: Westslope Cutthroat Trout

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date:

Description: Vertebrate Animal

Last Observation Date:

Natural Heritage Ranks:

State: S2

Global: G4T3

EO Rank:

EO Data

Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service: SENSITIVE

U.S. Bureau of Land Management: SENSITIVE

Oncorhynchus clarkii lewisi

Element Occurrence Map Label: 19814 ✓

Element Subnational ID: 14899

EO Number: 39284

Common Name: Westslope Cutthroat Trout

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date:

Description: Vertebrate Animal

Last Observation Date:

Natural Heritage Ranks:

State: S2

Global: G4T3

EO Rank:

EO Data

Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service: SENSITIVE

U.S. Bureau of Land Management: SENSITIVE

Oncorhynchus clarkii lewisi

Element Occurrence Map Label: 19815 ✓

Element Subnational ID: 14899

EO Number: 39285

Common Name: Westslope Cutthroat Trout

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date:

Description: Vertebrate Animal

Last Observation Date:

Natural Heritage Ranks:

State: S2

Global: G4T3

EO Rank:

EO Data

Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service: SENSITIVE

U.S. Bureau of Land Management: SENSITIVE



Natural Resource Information System
Montana State Library
PO Box 201900
Helena, MT 59620-1900
(406) 444-3000 mtnhp@state.mt.us

Species of Concern Data Report

Tuesday, September 12, 2006

Visit <http://mtnhp.org> for additional information.

Melanerpes lewis

Element Occurrence Map Label: 13094 ✓

Element Subnational ID: 15135

EO Number: 70145

Common Name: Lewis's Woodpecker

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date:

Description: Vertebrate Animal

Last Observation Date:

Natural Heritage Ranks:

State: S2B

Global: G4

Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management:

EO Rank:

EO Data



Inferred Extent Report

Inferred Extents are areas that can be inferred to be probable occupied habitat based on the spatial location of the direct observation of a species and general information available for the foraging area or home range size of the species.

Inferred Extent For: *Myotis thysanodes*

Common Name: Fringed Myotis ✓

Inferred Extent Map Label: IE- 17,012

Inferred Extent For: *Corynorhinus townsendii*

Common Name: Townsend's Big-eared Bat ✓

Inferred Extent Map Label: IE- 17,106

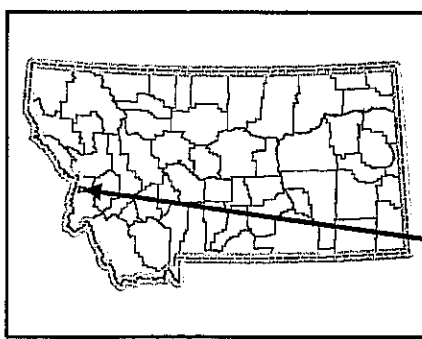
Montana Species of Concern
Parcel #958600
Section 11, T07N, R21W

- Species of Concern**
- Vascular Plant
 - Nonvascular Plant
 - Other Botanical
 - Vertebrate Animal
 - Invertebrate Animal
 - Other Zoological
 - Animal Inferred Extent
 - Ecological Sites

SPECIES OF CONCERN: A polygon feature representing only what is known from direct observation with a defined level of certainty regarding the spatial location of the feature.

INFERRED EXTENT: Areas that can be inferred to be probable occupied habitat based on the spatial location of the direct observation of a species and general information available for the foregoing area and home range size of the species.

SITES: Ecological information that may be useful in assessing biological values and interpreting Species of Concern data.



- Land Management**
- US Bureau of Land Management
 - US Bureau of Reclamation
 - US Fish and Wildlife Service
 - National Park Service
 - US Forest Service
 - Other USDA
 - Army Corps of Engineers
 - Other Department of Defense
 - Undifferentiated state
 - DNRC (state trust lands)
 - Montana Fish, Wildlife & Parks
 - University, Institutions, MDT
 - DNRC (water project lands)
 - Local Government
 - Bureau of Indian Affairs Trust
 - Tribal Lands
 - Plum Creek
 - Private Land Trusts

Not all legend items may occur on the map.

Features shown on this map do not imply public access to any lands.

This map displays management status, which may vary from ownership.

